



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,001	02/26/2002	Daniel A. Fratello	5544.02	3616

7590 05/20/2004

Kurt P. Leyendecker
Dorsey & Whitney LLP
Suite 4700
370 17th Street
Denver, CO 80202-5647

EXAMINER

STINSON, FRANKIE L

ART UNIT	PAPER NUMBER
----------	--------------

1746

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/086,001

Applicant(s)

FRATELLO ET AL.

Examiner

FRANKIE L. STINSON

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 1-15 and 18-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-17 is/are rejected.
- 7) ☒ Claim(s) 27-31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/22/2002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. Claims 1-13 and 18-26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in response filed March 22, 2004.

2. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant claims "a vehicle washing system for the method of claim 14", however, it is not exactly clear as to what the metes and bounds are.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Downey or Jaakkonen in view of Hurst (U. S. Pat. No. 3,959,250).

Re claim 14, Downey and Jaakkonen are both cited disclosing a method/process for washing a vehicle, having an automated vehicle washing system, the vehicle having a rear end and a front end and a length, the method comprising moving a gantry (174 in Downey; 2 in Jaakkonen) relative to the vehicle; spraying cleaning solution from one or more of a plurality of nozzles, the plurality of nozzle being fluidly coupled to a source of cleaning fluid that differs from the claim only in the recitation of varying the pressure of the cleaning solution from one or more plurality of nozzles based on one or more

position of the gantry. Hurst'250 is cited disclosing in a method for washing a vehicle using an automated washing system, the varying the pressure (i.e. force, see col.1, lines 56-67) based on one or more position of the gantry. It therefore would have been obvious to one having ordinary skill in the art to modify the method/process of either Downey or Jaakkonen, to have the pressure varied as taught by Hurst'250, for the purpose of cleaning the harder to clean areas of the vehicle. Re claim 17 (as for what was understood), the system of either Downey or Jaakkonen is believed to inherently perform the method/process of cleaning as claimed.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claim 15 above, and further in view of Hurst'281 (U. S. Pat. No. 3,650,281).

Claim 15 defines over the applied prior art only in the recitation of the varying the pressure involves the selective changing the number of the plurality of nozzles.

Hurst'281 is cited disclosing in a method washing a vehicle using an automated washing system, the step of varying the pressure by varying the number of nozzles (see Hurst'434, col. 4, line 64 through col. 5, line 22). It therefore would have been obvious to one having ordinary skill in the art to modify the method/process of either Downey or Jaakkonen, to have the pressure varied as taught by Hurst'281, for the purpose of cleaning the harder to clean areas of the vehicle.

6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claim 15 above, and further in view of Kim'301 (KR2001094301)

Claim 16 defines over the applied prior art only in the recitation of the varying the pressure involves the varying of pressure based on the height of the vehicle at one or more positions of the gantry.

Kim'301 is cited disclosing in a method washing a vehicle using an automated washing system, the step of varying the pressure based on the height of the vehicle. It therefore would have been obvious to one having ordinary skill in the art to modify the method/process of either Downey or Jaakkonen, to have the pressure varied as taught by Kim'301, for the purpose of ensuring uniform cleaning of the vehicle.

7. Claims 16 and 27-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In Hurst'434, Fast, Gauthier, Belanger et al., Jones, Daugherty, Burton, Fratello et al., Vani et al., Smith et al., Gougoulas and Alimanestiano, note the cleaning methods.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (571) 272-1308. The examiner can normally be reached M-F from 5:30 a.m. to 2:00 p.m. and some Saturdays from 5:30 a.m. to 11:30 a.m.


The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 1746

Any inquiry of a general nature or relating to the status of this application should be directed to TECHNOLOGY CENTER 1700 (571) 272-1700.

Any inquiry for missing parts of this Office Action (copies of references, pages, forms etc.), contact the TEAM LEADER Ms. Nicol Scott (571) 272-1045.

fls


FRANKIE L. STINSON
Primary Examiner
Art Unit 1746